

CHAPTER 95: FIRE PREVENTION AND PROTECTION

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GENERAL PROVISIONS

§ 95.01 INCINERATORS.

(A) *Purpose.* The Fiscal Court of Shelby County hereby finds that the fly ash, smoke, noxious fumes and odors that are emitted from incinerators cause pollution of the air and unpleasant living conditions and are thereby detrimental to the health and welfare of the residents of the County. Therefore, the Fiscal Court of Shelby County hereby declares all the incinerators in the County to be public nuisances. It further declares that proper disposal of waste is to be made at the city-county landfills.

(B) *Definition.* **INCINERATOR** is defined as a commercial furnace for burning waste material.

(C) *Incinerators prohibited.* It shall be unlawful for any person, firm or corporation, or agent or employee thereof, from the effective date of this subchapter, to construct, operate or maintain an

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incinerator in Shelby County, except that any incinerator already in operation on the effective date of this section shall be exempt from application of this section.

(Ord. 1, passed 3-20-1973)

FIRE DISTRICTS

§ 95.15 CREATION OF WADDY FIRE PROTECTION DISTRICT.

The Waddy Fire Protection District is hereby established, effective January 1, 1990, and the tax district hereby formed is authorized to provide the services described in its Plan of Service filed with the Court and to exercise the powers granted by KRS Chapters 65 and 75, and other applicable statutes.

(Ord. passed 12-28-1989)

§ 95.16 CREATION OF BAGDAD VOLUNTEER FIRE PROTECTION DISTRICT.

The Bagdad Volunteer Fire Protection District is hereby established according to the boundaries indicated in the following legal description, effective January 1, 1990, and the tax district hereby formed is authorized to provide the services described in its plan of service filed with the Shelby County Fiscal Court and to exercise the powers granted by KRS Chapters 65 and 75 and any and all other applicable state statutes.

(Ord. passed 11-6-1989)

§ 95.17 CREATION OF EAST 60 FIRE PROTECTION DISTRICT.

The East 60 Fire Protection District is hereby established, effective January 1, 1990, and the tax district hereby formed is authorized to provide the services described in its plan of service filed with the Court and to exercise the powers granted by KRS Chapters 65 and 75 and other applicable state statutes.

(Ord. passed 10-3-1989)

OPEN BURNING

§ 95.30 OPEN BURNING PROHIBITED.

The Shelby County Judge/Executive shall be authorized to issue an executive order banning all open burning in Shelby County, Kentucky during periods of extraordinary forest fire hazard or fire occurrence

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upon notice from the division of forestry that a period of extraordinary forest fire hazard or fire occurrence exists and during air quality alert days issued by the Louisville Metropolitan Air Pollution Board for the adjoining Louisville Metropolitan Region.

(Ord. 04-16-03, passed 4-16-2013) Penalty, see § 95.99

§ 95.31 MISCELLANEOUS.

(A) Nothing in this subchapter shall be construed so as to prevent the Energy and Environment Cabinet, the Division of Forestry or any other state or federal agency from enforcing any other applicable statute or regulation.

(B) In addition to the penalty provision contained in § 95.99, any person found responsible for violating the provisions of this section which results in a fire response by a Shelby County fire department shall be responsible for the cost of the response and any firefighting procedures initiated by the fire department.

(Ord. 04-16-03, passed 4-16-2013)

§ 95.99 PENALTY.

(A) Any person, firm or corporation, or agent or employee thereof, who violates the provisions of § 95.01 of this chapter, shall be fined \$500 and each day that a violation occurs shall constitute a separate offense.

(B) Any person who violates the provisions of this §§ 95.30 through 95.31 shall be fined not less than \$50 nor more than \$500.

(Ord. 1, passed 3-20-1973; Am. Ord. 04-16-03, passed 4-16-2013)